

California Regional Water Quality Control Board
Santa Ana Region

Office Address:
3737 Main Street, Suite 500
Riverside, CA 92501-3339

Phone: (909) 782-4130
Fax: (909) 781-6288
<http://www.swrcb.ca.gov/~rwqcb8>

I. INTRODUCTION

Section 401(a)(1) of the Clean Water Act states that any **applicant** for a **Federal license or permit** to conduct any activity including but not limited to the construction or operation of facilities which may result in any discharge into navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable water at the point where the discharge originates or will originate, that any such discharge will comply with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act.

Permits or Licenses requiring 401 Certification:

1. National Pollutant Discharge Elimination System (NPDES) permit issued by the Environmental Protection Agency (EPA) under Section 402 of the Clean Water Act
2. Permits issued by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act
3. Permits issued under Sections 9 and 10 of the Rivers and Harbors Act (for activities which may affect navigation)
4. Licenses for hydroelectric power plants issued by the Federal Energy Regulatory Commission (FERC) under the Federal Power Act
5. Licenses issued by the Nuclear Regulatory Commission

II. 401 APPLICATION

In California, all applications for water quality certification must be submitted to the Executive Officer of the Regional Water Quality Control Board (Regional Board) in whose region the discharge may occur. For certifications related to permits issued by FERC, applications must be sent to the State Water Resources Control Board. You should submit two copies of your application to the Regional Board at least 90 days in advance of the project's startup date. For major projects, two copies of the application should be submitted at least 180 days in advance. To be considered complete, the application shall include the following:

1. Written correspondence requesting certification/waiver. The correspondence must contain the following information:
 - a. Applicant/Agent (Consultant) Information:

Name/title/company/address/phone/fax number/e-mail address of project proponent and authorized agent, if applicable.
 - b. Federal Permit/License:

Specify the federal permit or license being sought. For a 404 permit, give the Corps control number if it is available. For nationwide permits, give the applicable nationwide permit number. For non-reporting nationwide permits, state the criteria and basis for

your decision and the nationwide permit number that applies. As described in Item 2 on the next page, attach a copy of the federal permit or license application.

c. Project Description:

Describe purpose, location of project (include map), total area of project site, name(s) and type(s) of water bodies within the project site (river, stream, lake, wetland, harbor, bay, etc.), and total area and types of impacted (temporary and permanent) waters of the U.S., state waters, wetlands, and/or riparian habitats (type and impacts). If available, include plan sheets or design drawings. If the proposed project is part of a larger Master project (*e.g.*, Master Plan or General Plan), include information that shows where the proposed project fits into the overall Plan. Include site photos that show waterbodies and habitat that will be impacted. If available, include geolocation information such as latitude/longitude or township/range/ section coordinates. A more complete project description will expedite certification processing.

d. Water Quality Impact(s):

Describe types of pollutants expected to be generated by the project, impacts to beneficial uses of the waterbody (*e.g.*, loss of groundwater recharge, loss of the waterbody), expected diversions of water around the project, cumulative impacts of the Master project that includes the proposed project. If water quality samples have been collected in the area of the proposed project, include a copy of the analysis(es).

e. Proposed Mitigation Measures:

For loss of beneficial uses: How will losses be offset (*e.g.*, for loss of groundwater recharge, is there recharge capacity elsewhere within the same groundwater basin that will offset the loss from the proposed project; for the loss of warm or cold freshwater habitat, where will these losses be offset).

For loss of wetlands/riparian habitat/waters of the U.S.: Where (onsite/offsite), what type of mitigation (creation, restoration, enhancement, etc.), ratio (areas, value, in-kind or out-of-kind), status of California Department of Fish and Game and U.S. Fish and Wildlife Service review/approval.

f. Threatened and Endangered Species Impacts:

List threatened or endangered species that may be impacted by the construction or operation of the project. Note whether a consultation has been or will be initiated with the U.S. Fish and Wildlife Service. If the project is within the Riverside County Stephens' Kangaroo Rat (SKR) fee area, so state, whether or not SKRs were found within the project boundaries.

g. Storm Water Permit Status:

Note the Storm Water permit status: *e.g.*, Storm Water permit obtained (list WDID or permit number); Notice of Intent has been/will be filed with the State Water Resources Control Board; Storm Water Pollution Prevention Plan has been/will be prepared; Storm Water permit not required because the project area is less than five acres.

List examples of Best Management Practices (BMPs) that will be utilized to minimize environmental impacts during and after construction.

h. Consideration of Project Alternatives:

Explain why the project cannot avoid impacts to wetlands or waters of the U.S. Demonstrate that upland alternatives have been considered and are infeasible.

2. A completed copy of the application for the federal license or permit. The attachments are not required if they are identical to what is being sent in the 401 application package.
3. A copy of any agreement with the California Department of Fish and Game (as per Fish and Game Code Sections 1600-1607). If you have applied for a Fish and Game agreement but have not yet received it, submit a copy of the application. If the proposed project is exempt from Fish and Game jurisdiction, state why it is exempt. For coastal projects, please submit a copy of the Coastal Development Permit from the California Coastal Commission or application thereof.
4. A copy of the final California Environmental Quality Act (CEQA - State) or National Environmental Protection Act (NEPA - federal) document, including the notice of determination. A NEPA document must be functionally equivalent to a CEQA document. If exempt from CEQA/NEPA requirements, specify the code section under which it is exempt. An application may be considered complete without a CEQA document, but we cannot issue a certification or waiver until we receive the final document.
5. Information regarding any other state or federal permits that apply to this project, including, but not limited to: stormwater permit number; dewatering permit number; California Coastal Commission Coastal Development Permit number; status of Section 7 or 10 consultation with the U.S. Fish and Wildlife Service.
6. Appropriate filing fee: If there is a potential for water quality impacts, the filing fee shall be as follows (Section 2200, Title 23, California Code of Regulations):

Fill: One acre or less – flat fee of \$1,000.
 More than one acre - \$1,000 per acre or part thereof (not to exceed statutory maximum of \$10,000).

Dredge: Less than 10,000 cubic yards – flat fee of \$500.
 10,000 to 20,000 cubic yards – flat fee of \$2,000.
 More than 20,000 cubic yards - \$2,000 plus \$250 for each additional 5,000 cubic yards or part thereof (not to exceed statutory maximum of \$10,000).

If there is no potential for water quality impacts (we recommend you consult with Regional Board staff before making this determination), the filing fee is \$500 (covers processing costs for a 401 waiver).

III. TIME LIMITS

Generally, we will issue a 401 Certification within 60 days of receipt of a complete application package. This 60 days includes a 21-day public comment period. A 401 Certification will not be issued prior to the 21-day public comment period.

Cities and Towns within Santa Ana Regional Board Boundaries

If your project is in an area not listed here, please check with the 401 coordinator before submitting your application.

| Orange County | |
|-----------------|-------------------|
| Anaheim | Atwood |
| Brea | Bristol |
| Cowan Heights | Cypress |
| Fountain Valley | Fullerton |
| Irvine | La Habra |
| Midway City | Modjeska |
| Olive | Orange Park Acres |
| Rossmoor | Santa Ana |
| Sunset Beach | Surfside |
| Wintersburg | Yorba Linda |

Balboa Island
Buena Park
East Irvine
Garden Grove
La Palma
Newport Beach
Orange
Seal Beach
Tustin

Balboa
Corona Del Mar
El Modena
Huntington Beach
Lemon Heights
North Seal Beach
Placentia
Silverado
Villa Park

Bolsa
Costa Mesa
Foothill Ranch
Industrial
Los Alamitos
Olinda
Red Hill
Stanton
Westminster

| Riverside County | |
|------------------|------------------|
| Alberhill | Alessandro |
| Arnold Heights | Beaumont |
| Canyon Crest | Canyon Lake |
| Crestmore | Eden Hot Springs |
| El Cerrito | Elsinore |
| Glen Avon | Glen Valley |
| Home Gardens | Homeland |
| La Sierra | Lake Elsinore |
| Lily Cup | May |
| Moreno | Mountain Center |
| Ormand | Pedley |
| Prenda | Quail Valley |
| San Jacinto | Sedco Hills |
| Sunnymead | Sunnyslope |
| Winchester | Woodcrest |

Anza
Belltown
Casa Blanca
Edgemont
Ennis
Hemet
Idyllwild
Lake Mathews
Menifee
Nicklin
Pepper Corner
Riverside
Soboba Indian Reservation
Terra Cotta

Arlanza
Belvedere Heights
Cherry Valley
Egan
Fern Valley
Highgrove
Juniper Springs
Lakeland Village
Mira Loma
Norco
Perris
Romoland (Ethanac)
Val Verde

Arlington
Box Springs
Corona
El Casco
Gilman Hot Springs
Hinda
Jurupa
Lakeview
Moreno Valley
Nuevo
Pine Cove
Rubidoux
Sun City
Valle Vista

| San Bernardino County | |
|-------------------------------|---------------|
| Alray | Alta Loma |
| Ballou | Big Bear City |
| Bryn Mawr | Cajon |
| College Heights | Colton |
| Crown Jewel | Cucamonga |
| Dunlap Acres | Etiwanda |
| Grand Terrace | Grape |
| Heart Bar Campground | Highland |
| Lytle Creek | Marigold |
| Mountain Home Village | Muscoy |
| Redlands | Rialto |
| San Manuel Indian Reservation | |
| Smiley Park | South Fontana |
| Warner | Woodlands |

Angelus Oaks
Big Bear Lake
Calimesa
Cosy Dell
Del Rosa
Fawnskin
Grapeland
Keenbrook
Mentone
Oak Glen
Rochester
Scotland
Sugarloaf
Yucaipa

Arrowhead Springs
Bloomington
Champagne
Crafton
Devore
Fontana
Guasti
Loma Linda
Montclair
Ontario
San Antonio Heights
Seven Oaks
Upland

Baldwin Lake
Boulder Bay
Chino
Crestmore
Doble
Forest Falls
Harlem Springs
Los Serranos
Moonridge
Rancho Cucamonga
San Bernardino
Skyland
Verdemont

The following cities or areas straddle two regions. Please confirm which region has jurisdiction over your project before submitting your application. (The numbers in parentheses indicate which regions share the area)

| Orange County | |
|---------------------|---------------|
| Crystal Cove (8/9) | El Toro (8/9) |
| Portola Hills (8/9) | |

Laguna Hills (8/9)

Lake Forest (8/9)

Leisure World (8/9)

| Riverside County | |
|------------------------|----------------------------------|
| Highland Springs (8/7) | Morongo Indian Reservation (8/7) |

Ramona Indian Reservation (8/9)

| San Bernardino County | |
|-----------------------|-------------------|
| Crestline (8/6) | Mount Baldy (8/4) |

Rimforest (8/6)

Running Springs (8/6)

Valley View Park (8/6)